

REMARKS

In the Office Action claims 1-10 and 29 were rejected based on obviousness-type double patenting with respect to claims 1-10 of U.S. Patent 6,155,277. Claims 11 and 12 were allowed. Claims 13-22, 25 and 26 were objected to as being substantial duplicates of claims 1-10 and claims 23, 24, 27, 28 and 30 were objected to as being substantial duplicates of claims 11 and 12. Claims 1-12 have been canceled and a terminal disclaimer has been filed herewith. Accordingly, claims 13-24 and 29 should now be allowable on the same basis that 1-12 and 29 would have been allowable once a terminal disclaimer was filed. However, applicant has chosen to cancel claim 23 in order to make claim 27, which the Examiner has found to be a substantial duplicate of claim 23, allowable. Claim 24 is now dependent from claim 27.

For the reasons set forth below, it is respectfully submitted that claims 25, 26, 28 and 30 are not substantial duplicates of claims 13-22, 24, 27 and 29, the other claims remaining in the application. Claim 25 includes the limitation in subparagraph a that the outlet located in the lower portion of the container is "in fluid communication with said upper portion of said container." This limitation is not included in any of the other claims in the application. Claim 25 also includes an element in subparagraph c, "means for conveying any rinse water and relatively small size sediment capable of passing through said screen from said lower portion of said container to said mixing drum through said hose" which is not found in any of the other claims. Accordingly, claim 25 is not a duplicate of any of the other claims. In addition to the limitation "in fluid communication with said upper portion of said container" mentioned above, claim 26 has an element in subparagraph c, "a pump for automatically conveying any rinse water and relatively small size sediment capable of passing through said screen from said lower portion

of said container to said mixing drum through said hose” which is not found in any of the other claims. Accordingly, claim 26 is not a substantial duplicate of any of the other claims either. Claim 28 includes the limitation in subparagraph a, “said lower portion of said container being in fluid communication with said upper portion of said container.” Claim 28 is a method claim and the only other method claims, claims 27, 24 and 30, do not contain this limitation. Accordingly, claim 28 is not a substantial duplicate of claims 27, 24 or 30. Claim 30, which also is a method claim, includes the step in subparagraph d, of “passing said solid debris through said screen to separate said solid debris into a first relatively small particle sized portion and a second relatively large particle sized portion.” This limitation is not in any of the other method claims. Accordingly, claim 30 is not a substantial duplicate of any of the other claims in the application.

In summary, claims 13-22 and 24-30 should now be allowable. Claims 13-22 are identical to claims 1-10 which were found to be allowable if a terminal disclaimer was filed. Claim 27 is a substantial duplicate of claim 23 which is identical to Claim 11 which was allowed. Claim 24 is dependent from Claim 27. Claim 29 was found to be allowable. Claims 25, 26, 28 and 30 all contain limitations or elements which are not found in any other claims and thus are not substantial duplicates of the other claims and should be allowable also.

Respectfully submitted,



Charles D. McClung
Reg. No. 26,568
Of Attorneys for Applicant
Tel.: (503) 227-5631

///
///
///
///